

S E C R E T

OGC 80-00581

1-22-80

17 January 1980

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with Department of Justice Representatives
on Alleged Nazi War Criminals Otto Von Bolschwing
and Tscherim Soobzokov

1. On 9 January 1980, a meeting was held in the Office of General Counsel concerning the proposed prosecution of two alleged Nazi war criminals, Otto Von Bolschwing and Tscherim Soobzokov. Present at the meeting were Mr. Walter J. Rockler, Chief, Office of Special Investigation of the Department of Justice; his new Deputy, Mr. Allan A. Ryan, Jr. (replacement for Mr. Martin Mendelsohn); and the following attorneys on OSI's staff: Mr. Eugene Thiroff, Mr. Richard Sullivan, Mr. Joseph Lynch and Mr. Jeffrey Mausner. Representing CIA were [] and [] of OGC and [] and [] of IMS/FPLG.

2. The first case considered was that of Otto Von Bolschwing. OSI had previously sent us a list of questions which were designed to get from us a statement concerning how far we would be willing to support either the DOJ's case or Von Bolschwing. (OGC 79-1097, 30 November 1979) [] said that we had no objections to the DOJ bringing the suit and that we did not believe that Von Bolschwing could blackmail the Agency (i.e., his knowledge of Agency activities is dated and would not affect any current operations), but that he could subject us to a form of graymail. [] said that we would not testify on behalf of Von Bolschwing but that, if asked, we would have to say that he had served us ably and loyally during the time he was in our employ. [] also said that we could, if necessary, provide testimony by our records custodian who would be able to speak to the information contained in our files; that we would be able to testify that Von Bolschwing did not perform any service for us inside the United States and that we did not assist in his request for naturalization. In a discussion concerning what Agency assistance was given Von Bolschwing in acquiring his visa, it was noted that our files show that, although our case officer originally told Von Bolschwing not to declare his SS and NSDAP membership on his visa application, at Headquarters insistence, he did inform

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the U.S. Consulate that he had been a member of the NSDAP and the Waffen SS. Our files show that Headquarters instructed the Station to tell Von Bolschwing that he must not lie about his record to any federal authority or he would be in deep trouble. The Station responded that Von Bolschwing would be told this but there is no record in our file of exactly what the case officer actually said to Von Bolschwing. We cannot ask the case officer, [redacted], who is now dead. Our files also indicate that there was correspondence with I&NS concerning Von Bolschwing which was to be held in an I&NS "secret" file. I&NS records also indicate the existence of an I&NS "auxiliary" file, but neither we nor I&NS can locate any of this paper. Should Von Bolschwing subpoena our records in defense discovery, this missing material could jeopardize the DOJ case, especially since Von Bolschwing's case officer is dead. Mr. Thiroff said that Von Bolschwing had deliberately lied to him even when confronted with documentary evidence and added that the DOJ had enough evidence against him for a conviction without any Agency input. Mr. Thiroff stated that Justice would not bring the Agency into the case, but that he was convinced that Von Bolschwing would do so in defense. [redacted] stated that if he did, we would respond within the limits imposed by our statutory responsibility to protect sources and methods. Our involvement in this case then is dependent upon what action Von Bolschwing decides to take.

3. Unlike the Von Bolschwing case, the Agency made no effort at all to assist Soobzokov with either his visa application or his naturalization. In fact, Soobzokov was dropped by us because we could not resolve discrepancies in his history as he gave it. In the Soobzokov case, as with Von Bolschwing, Agency involvement in the effort to denaturalize him depends in part on Soobzokov's own actions. However, the DOJ needs documents in our possession for their case-in-chief. The United States government is also involved in another (libel) case with Soobzokov in New York. Our inclination is to provide some of the documentary evidence the DOJ requires, notwithstanding the precedent of not admitting agent relationships. The real problem will be with the polygraph reports which the DOJ requested and this will have to be resolved by the Office of Security. No decision concerning the DOJ request for documents on Soobzokov was made at this meeting, but we intend to solicit DDO approval to provide at least some of the documents the DOJ has requested.

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4. [] will prepare written responses on both Von Bolschwing and Soobzokov which will be coordinated with IMS/FPLG before being sent to Justice.

5. Mr. Rockler will return to Arnold and Porter in April 1980, and Mr. Ryan will assume the position of Chief, OSI at that time. Other than his work on the Federenko appeal, Mr. Ryan has had no previous experience in the intelligence field or in collaborating with CIA. Mr. Ryan expressed considerable interest in contact with and being briefed by this Agency on a variety of general topics.

[]
IMS/FOIA, Privacy and Litigation Group

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